



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2005 REGULAR SESSION

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HOUSE BILL NO. 73

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TUESDAY, FEBRUARY 8, 2005

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The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE March 4, 2005  
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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adler

AN ACT relating to professional engineers and land surveyors.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

1       Section 1. KRS 322.040 is amended to read as follows:

2       (1) A person shall qualify for licensure as a professional engineer by meeting the  
3       requirements set forth in paragraph (a) or (b) of this subsection.

4       (a) A person shall qualify if he or she has:

5             1. Graduated from an engineering program of four (4) years or more  
6             accredited by the Engineering Accreditation Commission of the  
7             Accreditation Board for Engineering and Technology or any engineering  
8             program deemed equivalent by the board;

9             2. Four (4) or more additional years of progressive experience in  
10            engineering~~[--projects]~~ or teaching of a grade and character which  
11            indicates to the board that the applicant is competent to practice  
12            engineering; and

13            3. A passing score on:

14               a. The Principles and Practice of Engineering Examination; and

15               b. The Fundamentals of Engineering Examination. The board may  
16               allow students enrolled in the final year of an undergraduate  
17               engineering program to take this examination. Upon passing the  
18               examination, the applicant shall be designated an engineer in  
19               training.

20       (b) If an instructor in an engineering program accredited by the Engineering  
21       Accreditation Commission of the Accreditation Board for Engineering and  
22       Technology or an engineering program deemed equivalent by the board is not  
23       eligible for the exemption under subsection (2) of this section, the instructor  
24       shall have four (4) years from the date of hire to qualify for licensure by  
25       showing that he or she has:

- 1           1. Graduated from an engineering program of four (4) years or more  
2           accredited by the Engineering Accreditation Commission of the  
3           Accreditation Board for Engineering and Technology, or an engineering  
4           program deemed equivalent by the board;
  - 5           2. Four (4) or more additional years of progressive experience in  
6           engineering~~[projects]~~ or teaching of a grade and character which  
7           indicates to the board that the applicant is competent to practice  
8           engineering;
  - 9           3. Passed the Principles and Practice of Engineering Examination; and
  - 10          4. Either passed the Fundamentals of Engineering Examination or  
11          graduated from a board-approved doctoral engineering degree program.
- 12   (2) For the purpose of teaching engineering design courses only, an instructor who, on  
13   January 1, 1999, holds a tenured or tenure-track position in an engineering program  
14   defined in KRS 322.010(4)(a)3. shall be exempt from the licensure requirements of  
15   KRS 322.020 for the period that instructor is continuously employed by the  
16   institution offering that program. However, an instructor may apply and shall  
17   qualify for licensure as a professional engineer during this exempt period if he or  
18   she:
- 19   (a) Has graduated from an engineering program of four (4) years or more  
20   accredited by the Engineering Accreditation Commission of the Accreditation  
21   Board for Engineering and Technology or an engineering program deemed  
22   equivalent by the board;
  - 23   (b) Has graduated from a board-approved doctoral engineering degree program,  
24   with an additional three (3) years or more of progressive experience in  
25   engineering~~[projects]~~ or teaching of a grade and character which indicate to  
26   the board that the applicant is competent to practice engineering; and
  - 27   (c) Has passed the Principles and Practice of Engineering Examination.

(3)~~[A person shall qualify for licensure as a professional land surveyor if he or she has:~~

~~(a) Passed the Fundamentals of Land Surveying Examination and is thereby designated a land surveyor in training according to the conditions set forth in paragraph (c) of this subsection;~~

~~(b) Passed the Principles and Practice of Land Surveying Examination; and~~

~~(c) Met one (1) of the following requirements:~~

~~1. Graduation from a board approved program in land surveying from a college or university, followed by not less than four (4) years of progressive experience under the direct supervision of a practicing professional land surveyor.~~

~~a. The experience required by the provisions of this subparagraph shall indicate that the applicant was in charge of the accuracy and correctness of the land surveying work being performed;~~

~~b. Work experience acquired as part of the education requirement shall not be construed as experience; and~~

~~c. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination during their final year in the program;~~

~~2. Graduation from a four (4) year program other than land surveying accredited by one of the Commissions of the Accreditation Board for Engineering and Technology, followed by not less than six (6) years of practical experience in land surveying under the direct supervision of a practicing professional land surveyor.~~

~~a. Four (4) years of the experience required by this subparagraph shall indicate that the applicant was in charge of the accuracy and correctness of the land surveying work being performed;~~

~~b. Work experience acquired as a part of the education requirements shall not be construed as experience; and~~

- 1                   ~~c. Applicants shall be eligible to take the Fundamentals of Land~~  
2                   ~~Surveying Examination upon completion of two (2) years of land~~  
3                   ~~surveying experience following graduation from the program;~~
- 4           ~~3. Graduation from a two (2) year board approved program in land~~  
5           ~~surveying followed by not less than six (6) years of progressive~~  
6           ~~experience under the direct supervision of a practicing professional land~~  
7           ~~surveyor.~~
- 8           ~~a. The experience required by this subparagraph shall indicate that~~  
9           ~~the applicant was in charge of the accuracy and correctness of the~~  
10           ~~land surveying work being performed;~~
- 11           ~~b. Work experience acquired as a part of the education requirement~~  
12           ~~shall not be construed as experience; and~~
- 13           ~~c. Applicants shall be eligible to take the Fundamentals of Land~~  
14           ~~Surveying Examination upon completion of two (2) years land~~  
15           ~~surveying experience following graduation from the program;~~
- 16           ~~4. Until June 30, 2001, eight (8) or more years of progressive active~~  
17           ~~experience in the practice of land surveying under the direct supervision~~  
18           ~~of a practicing professional land surveyor, and passing scores on the~~  
19           ~~Fundamentals of Land Surveying Examination and the Principles and~~  
20           ~~Practice of Land Surveying Examination; or~~
- 21           ~~5. Effective July 1, 2001, graduation from high school, or the equivalent,~~  
22           ~~followed by not less than ten (10) years of progressive experience under~~  
23           ~~the direct supervision of a practicing professional land surveyor and~~  
24           ~~passing scores on the Fundamentals of Land Surveying Examination and~~  
25           ~~the Principles and Practice of Land Surveying Examination. Six (6)~~  
26           ~~years of the experience required by this subparagraph shall indicate that~~  
27           ~~the applicant was in charge of the accuracy and correctness of the land~~

1                    ~~surveying work performed. Applicants shall be eligible to take the~~  
 2                    ~~Fundamentals of Land Surveying Examination upon completion of four~~  
 3                    ~~(4) years of land surveying experience.~~

4    ~~(4) As it may apply to the experience qualifications for engineers or land surveyors:~~

5            ~~(a) Teaching land surveying courses at the postsecondary level may earn an~~  
 6            ~~applicant a maximum credit of two (2) years' experience;~~

7            ~~(b) The board may grant up to one (1) year of engineering experience credit for~~  
 8            ~~satisfactory graduate study in engineering and up to one (1) year of land~~  
 9            ~~surveying experience credit for satisfactory graduate study in land surveying;~~

10           ~~(c) The satisfactory completion of each year as a full time student of a board-~~  
 11           ~~approved program in civil engineering or land surveying without graduation~~  
 12           ~~may be considered as equivalent to one (1) year of experience required by~~  
 13           ~~subsection (3)(c)3., 4., and 5. of this section;~~

14           ~~(d) Graduation from a program other than as provided in subsection (3)(c)1., 2.,~~  
 15           ~~and 3. of this section from a college or university of recognized standing may~~  
 16           ~~be considered as equivalent to two (2) years of experience required by~~  
 17           ~~subsection (3)(c)3., 4., and 5. of this section;~~

18           ~~(e) No applicant shall receive credit for more than four (4) years of experience~~  
 19           ~~based on undergraduate educational qualifications.~~

20    ~~(5) The execution as a contractor of work designed by a professional engineer or the~~  
 21    ~~supervision of the construction of that work as a foreman or superintendent may be~~  
 22    ~~considered experience in the practice of engineering.~~

23    ~~(6)}~~ Any person having the necessary qualifications prescribed in subsections (1) or ~~(2)~~  
 24           ~~(2), and (3)}~~ of this section shall be eligible to apply for licensure, even if the  
 25           applicant is not practicing the profession at the time of application.

26    **(4) The board shall promulgate administrative regulations to establish requirements**  
 27    **for consideration of experience gained prior to graduation from an engineering**

1 program as described in subsection (1)(a)1. of this section.

2 SECTION 2. A NEW SECTION OF KRS CHAPTER 322 IS CREATED TO  
3 READ AS FOLLOWS:

4 (1) A person shall qualify for licensure as a professional land surveyor if he or she  
5 has:

6 (a) Passed the Fundamentals of Land Surveying Examination and is thereby  
7 designated a land surveyor in training according to the conditions set forth  
8 in either paragraph (c) of this subsection or subsection (1)(a) of Section 3 of  
9 this Act;

10 (b) Passed the Principles and Practice of Land Surveying Examination; and

11 (c) Met one (1) of the following requirements set out in this paragraph:

12 1. Graduation from a board-approved program of four (4) years or more  
13 in land surveying from a college or university and not less than three  
14 (3) years of progressive experience in land surveying under the direct  
15 supervision of a practicing professional land surveyor. The experience  
16 shall be of a grade and character to indicate to the board that the  
17 applicant is competent to practice land surveying. Applicants shall be  
18 eligible to take the Fundamentals of Land Surveying Examination  
19 during the final year of the program;

20 2. Graduation from a program of four (4) years or more in other than  
21 land surveying from a college or university of recognized standing,  
22 completion of a twenty-four (24) semester credit hour core curriculum  
23 in land surveying, and not less than four (4) years of progressive  
24 experience in land surveying under the direct supervision of a  
25 practicing professional land surveyor. The experience shall be of a  
26 grade and character to indicate to the board that the applicant is  
27 competent to practice land surveying.

a. The core curriculum in land surveying may be completed as part of the four (4) year program or may be taken in addition to that program; and

b. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of the core curriculum in land surveying or during the final year in the program if twelve (12) hours or more of the core curriculum in land surveying have been completed; or

3. Graduation from a civil, mining, or agricultural engineering program of four (4) years or more accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology or any engineering program deemed equivalent by the board, completion of twelve (12) semester credit hours of the core curriculum in land surveying referenced in subparagraph 2. of this paragraph, and not less than four (4) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying;

a. The twelve (12) hours of the core curriculum in land surveying may be completed as part of the engineering program or may be taken in addition to that program; and

b. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon graduation from the engineering program or during the final year in the program if twelve (12) hours of the core curriculum in land surveying have been completed;

(2) Any person having the necessary qualifications prescribed in subsection (1) of this section or any applicable qualifications prescribed in subsection (1)(a) of Section 3 of this Act shall be eligible to apply for licensure, even if the applicant is not practicing the profession at the time of application.

(3) The board shall promulgate administrative regulations to establish requirements for consideration of experience gained prior to graduation from programs as described in subsection (1)(c)1., 2., and 3. of this section, and for the surveying core curriculum described in subsection (1)(c)2. and 3. of this section.

SECTION 3. A NEW SECTION OF KRS CHAPTER 322 IS CREATED TO READ AS FOLLOWS:

(1) Until June 30, 2011, the following shall apply to licensure as a professional land surveyor:

(a) In addition to the requirements listed in subsection (1)(c) of Section 2 of this Act, a person may qualify for licensure as a professional land surveyor by meeting one of the following alternate requirements:

1. Graduation from a program of four (4) years or more in an area other than land surveying accredited by one of the Commissions of the Accreditation Board for Engineering and Technology and not less than six (6) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of two (2) years of progressive experience in land surveying. Applicants possessing education credentials of this subparagraph may pursue licensure under subsection (1)(c)2. of Section 2 of this Act, providing the core

curriculum in land surveying requirement is satisfied;

2. Graduation from a two (2) year board-approved program in land surveying and not less than six (6) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of two (2) years of progressive experience in land surveying; or

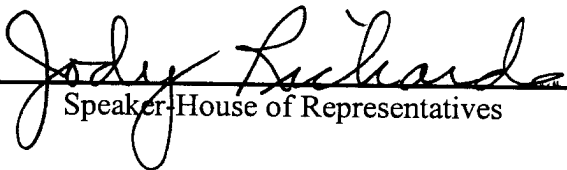
3. Graduation from high school, or the equivalent, and not less than ten (10) years of progressive experience in land surveying under the direct supervision of a practicing professional land surveyor. The experience shall be of a grade and character to indicate to the board that the applicant is competent to practice land surveying. Applicants shall be eligible to take the Fundamentals of Land Surveying Examination upon completion of four (4) years of progressive experience in land surveying.

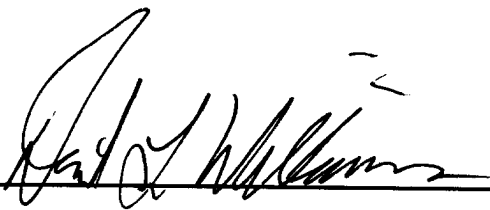
(b) As it may apply to the experience qualifications for land surveyors:

1. The satisfactory completion of each year as a full-time student of a board-approved program in civil engineering or land surveying without graduation may be considered as equivalent to one (1) year of experience required by subsection (1)(a)2. and 3. of this section;

2. Graduation from a program other than as provided in subsection (1)(c) of Section 2 of this Act or subsection (1)(a)1. and 2. of this section from a college or university of recognized standing may be considered as equivalent to two (2) years of experience required by subsection (1)(a)2. and 3. of this section;

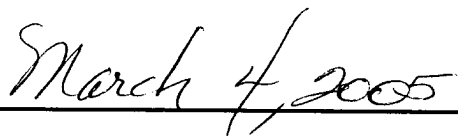
- 1           3. No applicant shall receive credit for more than four (4) years of  
2           experience based on undergraduate educational qualifications.
- 3   (2) The board shall promulgate administrative regulations to establish requirements  
4   for consideration of experience gained prior to graduation from programs as  
5   described in subsections (1)(a)1. and 2. of this section.
- 6   (3) The board may promulgate administrative regulations to provide an exemption to  
7   the licensure requirements contained in subsection (1)(a) of this section based on  
8   a finding of hardship or medical necessity.

  
\_\_\_\_\_  
Speaker House of Representatives

  
\_\_\_\_\_  
President of the Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date   
\_\_\_\_\_